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ON October 7, 2002

Heunil H. Ladd

AGENT FOR APPLICANT

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Attorney Docket No.: P32152

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Coghlan et al. October 7, 2002
Serial No.: 09/807,066 Group Art Unit: 1626
Filed: June 18, 2001 Examiner: G. Shameem
For: Novel Method and Compounds

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

To Assistant Commissioner for Patents:

In response to the Office Action dated September 6, 2002, please enter the following remarks into the record.

REMARKS

Claims 1-23 are pending in this application and these claims have been subjected to a restriction requirement.

I. Restriction Requirement Under 35 U.S.C. §121

The Examiner has required a restriction of the claims to one of the following categories:

- Group I: Claims 1-2, 13-17, 18-22 and 23 drawn to a compound of formula (I) wherein, R and R² are as defined, R¹ is hydrogen, alkyl, aralkyl, hydroxyalkyl or alkoxyalkyl, R³ is hydrogen, substituted or unsubstituted alkyl, cycloalkyl, alkoxyalkyl, substituted or unsubstituted aryl, substituted or unsubstituted heterocycle or aralkyl, wherein the aryl moiety is substituted or unsubstituted, and one process of preparing the compounds and one method of use.
- Group II: Claims 1-2, 13-17, 18-22 and 23 drawn to a compound of the formula (I) wherein R and R² are as defined, R¹ and R³ together with the nitrogen to which they are attached form a single or fused, optionally substituted, saturated or unsaturated heterocyclic ring and one process of preparing the compounds and one method of use.
- Group III: Claims 3-4 and 18-22 drawn to a compound of the formula (IC) wherein all variables are as defined and one method of use.
- Group IV: Claims 5 and 18-22 drawn to a compound of the formula (ID) wherein R, R¹, R² and R³ are as defined and one method of use.
- Group V: Claims 6 and 18-22 drawn to a compound of the formula (IE) wherein all variables are as defined and one method of use.
- Group VI: Claims 7 and 18-22 drawn to a compound of the formula (IF) wherein all variables are as defined and one method of use.
- Group VII: Claims 8 and 18-22 drawn to a compound of the formula (IG) wherein all variables are as defined and one method of use.
- Group VIII: Claim 9 and 18-22 drawn to a compound of formula (IH) wherein all the variables are as defined and one method of use.

Group IX: Claim 10 and 18-22 drawn to a compound of formula (IJ) wherein all the variables are as defined and one method of use.

Group X: Claim 11 and 18-22 drawn to a compound of formula (IK) wherein all the variables are as defined and one method of use.

Group XI: Claim 12 and 18-22 drawn to a compound of formula (IL) wherein all the variables are as defined and one method of use.

The Examiner maintains the above grouping is proper because the claims lack unity of invention under PCT Rules 13.1 and 13.2 because the compounds defined in the claims lack a significant structural element qualifying as the special technical feature that defines a contribution over the prior art. Applicants traverse the restriction requirement.

Applicants assert that the pyrrole structural core, shared by all the compounds defined in the claims, is a special technical feature. Also, since the claimed invention arose from a singular research effort, the compounds, methods of treatment, and process claims should be considered as parts of a single application. Therefore, Applicants respectfully request that the Examiner withdraw the restriction requirement.

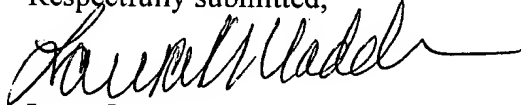
However, solely to expedite prosecution of the application, Applicants provisionally elect, with traverse, to prosecute the invention of Group III, claims 3-4 drawn to compound of formula (IC) wherein all variables are as defined and the method of use claim 18 drawn to the treatment of mood disorders.

Applicants traverse the restriction requirement on the grounds that the inventions of the claims as grouped by the Examiner are not independent, but the Applicants do not traverse this requirement on the grounds that these inventions are not patentably distinct. Applicants are not aware of any evidence that the claims are obvious variants of each other and specifically deny that the invention of any groups of claims are obvious variants of the inventions of any other groups of claims.

II. Conclusion

This reply is intended to further this case to allowance by addressing each ground of objection and rejection in the Examiner's Office Action. Reconsideration of this application is requested. Should the Examiner have any questions regarding this application, the Examiner is invited to call the undersigned agent at the number given below.

Respectfully submitted,



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